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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — BERGEN COUNTY

CLAIRE E. DEWEY, ADMINISTRATRIX OF THE ESTATE OF WILFRED E. DEWEY, DECEASED

v.

R. J. REYNOLDS TOBACCO COMPANY, R. J. REYNOLDS INDUSTRIES, INC., AMERICAN BRANDS, INC., ETC., AND BROWN & WILLIAMSON TOBACCO CORPORATION

Docket No. L-71733-81

DEPOSITION OF THOMAS J. LONGAN

Deposition taken by subpoena at the law offices of McLane, Graf, Raulerson & Middleton, 40 Stark Street, Manchester, New Hampshire, on Thursday, July 25, 1985, commencing at 9:30 a.m.

Court Reporter:

Michele R. Bragan, CSR

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APPEARANCES:

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For the Defendant R. J. Reynolds:	RIKER, DANZIG, SCHERER, HYLAND & PERRETTI By: Attorney Anne M. Patterson Headquarters Plaza II Speedwell Avenue Morristown, NJ 07960
For the Defendant American Brands:	KENNEY & KEARNEY By: John B. Kearney, Esq. Box 5034 Cherry Hill Plaza 1415 Route 70 East Cherry Hill, NJ 08034
For the Defendant Brown & Williamson:	ROSEN, WEISS, SLATTERY & BURSTEIN By: William C. Slattery, Esq. Gateway One Newark, NJ 07102
	- AND -
	SHOOK, HARDY & BACON By: Steven C. Parrish, Esq. Twentieth Floor Mercantile Bank Tower 1101 Walnut Kansas City, MO 64106
Also present:	ANDREW S. MINE, ESQ. 30 Rockefeller Plaza New York, NY 10112

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THOMAS J. LONGAN

having been duly sworn by Mrs. Bragan, was deposed and testified as follows:

EXAMINATION

BY MR. SLATTERY:

Q. Mr. Longan, my name is Bill Slattery. I'm a lawyer in New Jersey, and I represent Brown & Williamson Tobacco Corporation which is a defendant in the action filed by Claire Dewey.

A. I thought it was R. J. Reynolds.

Q. Well, I'm going to explain who all's here and who all's involved.

Mr. Parrish, to my right, and myself represent Brown & Williamson, one of the defendants. Ms. Patterson represents R. J. Reynolds. Mr. Mine --

MR. MINE: Mine.

MR. SLATTERY: How do you spell that?

MR. MINE: M I N E.

Q. BY MR. SLATTERY: Mr. Mine and Mr. Kearney represent American Brands, Inc. Those are the three defendants. And Mr. Darnell, sitting next to you, represents the plaintiff, Mrs. Dewey.

What we're engaged in this morning is a

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deposition where you have been put under oath and will be asked questions by myself and probably the other attorneys that are here relevant to that action, and what we want from you is your knowledge of any facts that may be relevant to the case. So in order to accomplish that, I'd like you to listen to some instructions which will be helpful.

One, if you don't understand a question I ask, let me know and I'll try to make it understandable. Two, if you would, wait for me to finish my question and then begin your answer, and I'll wait for you to finish the answer, hopefully, before I ask the next question.

A. Uh-huh.

Q. And you're going to have to answer either yes or no or with some sort of statement rather than a nod because the reporter can't take that down. I know we all get in those habits, but try to answer with a statement so that it can be transcribed.

At the end of this session the transcript of the questions and answers will be prepared in a written, typed form. You can, if you wish, review that and make any corrections and sign it if you

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choose, or you can, as we say, waive the reading and signing and the transcript will be prepared and submitted to the attorneys without your review.

Do you have a desire --

A. Are you saying I can sign it or I don't have to sign it?

Q. That's correct. You can review it and sign it and correct anything that you believe was taken down incorrectly, or you can waive that and we will then assume that the reporter has taken everything down accurately.

A. Do I have to make that decision right now?

Q. You can make it afterwards.

A. All right.

Q. Sure.

MR. DARNELL: Just one more thing before you start, Mr. Slattery.

MR. SLATTERY: Go ahead.

MR. DARNELL: What we're looking for is your best recollection based on your knowledge, and I don't think anybody here wants you to guess or speculate, so only tell us things that you do know.

THE WITNESS: I'll try to do that.

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MR. DARNELL: Also, from time to time I can't control myself and I may object to one of Mr. Slattery's or one of the other attorney's questions. That's something that we'll determine later in court, whether the question was an appropriate one so that the answer can be read to the jury if that's necessary, but in order for me to do that and do it properly, I can't do it if you're answering the question, so if I raise my hand or indicate some way that I'm about to speak, please wait until I finish my objection before you answer the question. However, although I have objected, you still answer and we'll fight it out later. Okay?

THE WITNESS: That's all right with me.

MR. SLATTERY: I assume, Mr. Darnell, you're going to say "I object" rather than hand signals.

MR. DARNELL: Of course, but sometimes the hand goes up before the mouth starts talking.

MR. SLATTERY: Okay.

Q. BY MR. SLATTERY: What I'd like to do first, Mr. Longan, is ask you some information -- some questions which hopefully will elicit

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information about yourself, and then I want to ask you some questions about Bill and Claire Dewey.

Can you tell me how old you are?

A. Fifty.

Q. And where do you currently reside?

A. [DELETED] .

Q. How long have you resided at that address?

A. Eighteen years.

MR. DARNELL: How many?

THE WITNESS: Eighteen.

Q. BY MR. SLATTERY: Did you live there prior to your first meeting Bill or Claire Dewey?

A. I was living there when I met him, or them.

Q. Okay. What do you do for a living?

A. Partner in an alarm business.

Q. Installing burglar and fire alarms?

A. Well, no, we're in a different aspect of it. We have equipment at police departments and fire departments and we maintain that.

Q. I see.

A. This is equipment -- other alarm companies will use our equipment to monitor their

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signals.

Q. How long have you done that?

A. Ten years.

Q. What were you doing when you first met Bill Dewey?

A. I was working for Wang Laboratories.

Q. Did you do anything between your job with Wang and your current business?

A. Yeah, I was with ADT, a large alarm company.

Q. So you were with Wang, then went to ADT, and now you're in your own business?

A. (Witness nods head.)

Q. Does your wife work?

A. Uh-huh.

MR. DARNELL: Yes?

THE WITNESS: Yes.

Q. BY MR. SLATTERY: Where does she work?

A. She works for the City of Nashua.

Q. How long has she worked there?

A. She just started this year.

Q. Okay. Did she work before that?

A. No, I'm sorry, she's worked there seven

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years, but she's in a different job. She worked part time. She went full time, I think, in March or April.

Q. Do you have any children?

A. Yes, four.

Q. Can you give me their names and ages?

A. The oldest one is Anita, she's 27; Erin, she's 23; John is 18; and Diana is 15.

Q. I'm sorry, what was the last one?

A. Diana.

Q. Do you smoke cigarettes?

A. No, I don't.

Q. Have you ever smoked cigarettes?

A. Yes.

Q. When did you stop smoking cigarettes?

A. Ten or twelve years ago.

Q. Ten or twelve years ago, prior to ceasing, approximately how many cigarettes did you smoke per day?

A. Half a pack, maybe.

Q. Half a pack?

A. Yes.

Q. Going back in your smoking history, had

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you ever smoked more than half a pack a day?

A. Yeah, I think I did when I was in the Navy. I was in navigation, and I think we smoked all the time when we were at sea.

Q. Other than when you were in the Navy --

A. I think I reduced it after I got out.

Q. To half a pack?

A. Yeah.

Q. Does your wife smoke?

A. No.

Q. Did she ever?

A. No.

Q. If you try to keep your voice up and say yes or no --

A. All right.

Q. Okay. Can you tell me when you first met Bill Dewey?

A. I can tell you approximately. I don't remember --

Q. Approximately.

A. Well, it was in 1967, probably the fall.

Q. Do you recall the occasion of your first meeting?

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A. No.

Q. Why do you say fall of 1967? Why does that come to your mind?

A. Well, I was discussing it with my wife, and we were trying to figure out when we met them, and apparently she met Claire Dewey through a car pool. Our second daughter and their son went to the same kindergarten, and that apparently started in September of '67.

Q. That would be Erin?

A. Yes.

Q. And she went to kindergarten with Bill Dewey, Jr., or Billy?

A. Yes.

Q. What -- do you recall the name of the nursery school, did you say, or kindergarten?

A. Kindergarten.

Q. The name of the kindergarten?

A. I think it was Little Pilgrim, which is one of the churches in Nashua. I don't remember which one.

MR. SLATTERY: Take a couple seconds.

(Discussion off the record.)

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Q. BY MR. SLATTERY: All right. The name of the kindergarten that your Erin and Billy Dewey went to was Little Pilgrim?

A. I believe so.

Q. And it was located at a church somewhere in Nashua?

A. North Nashua.

Q. Do you know the denomination of the church?

A. I thought it was congregational, but I'm not positive.

Q. Do you know whether Little Pilgrim still operates?

A. Yeah, I believe it's still there.

Q. Do you recall whether there was any other person that was in the car pool in addition to Mrs. Dewey and your wife?

A. I wouldn't know. I never drove it.

Q. So in the fall of '67, best you can recall, is when you first met Bill Dewey.

Do you know where the Deweys were living at that time?

A. Yes, they were living about three blocks

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away from us. I don't remember the name of the street.

Q. Would that be Margate Road?

A. Yep.

Q. Now, after your wife meets Mrs. Dewey in connection with the car pooling of Erin and Billy to the kindergarten, how does that involvement result in your meeting Bill Dewey?

A. Couldn't tell you. I don't recall.

Q. Okay. Am I correct that the relationship, at least starting in the fall of 1967 to the end of '67, is a casual, social relationship rather than a business or professional relationship?

A. Well, there was no business or professional relationship. In fact, the earliest memory I have of Bill Dewey is at a cookout at his house.

Q. Okay.

A. At -- but it was in the summer, it was warm, but -- so I would assume it might have been summer of '68.

Q. Do you recall who was at the cookout?

A. There were a lot of people. I really

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don't remember any of them.

Q. Okay. This was a -- a party, if you will, that the Deweys were throwing for a number of people?

A. I don't have a very strong recollection. All I remember is he had a -- maybe ten people there, or something like that. I remember there was some fellow there from Mississippi, but I don't remember his name. That's about all I remember of it.

Q. Okay. And did Bill do the cooking outside himself?

A. I don't remember.

Q. Do you recall whether it was a barbecue type cookout, hamburgers, hot dogs, steaks?

A. No, I don't recall.

Q. Don't recall. Okay.

Were alcoholic beverages provided?

A. I'm sure there were.

Q. That's your first --

A. I'm not saying that's the first --

Q. But that's your first specific recollection of seeing him?

A. Yeah.

Q. But you believe you probably met him

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earlier?

A. I may have met him before that.

Q. All right. Did you become social friends starting in the --

A. In a limited way. I mean, one thing I'd like to emphasize, Bill Dewey was not my best friend in any way, and I did not see an awful lot of him. I mean, we saw him on a social basis, at the very most in all the years I knew him until he left this area, maybe once a month. I mean, he didn't live next door or we didn't work together or we didn't have an awful lot in common.

Q. You say you didn't have a lot in common. Do you have any recollection of what Bill's interests were in terms of hobbies or avocation?

A. Gardening. He had a huge garden. One thing we did do together is we skied together.

Q. More than once?

A. Oh, yeah.

Q. Whereabouts did you ski?

A. Well, we used to go night skiing in a location in northern Massachusetts. I don't remember the name of the place. I don't think it's

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open anymore. And I guess we went to a couple other places in New Hampshire days.

Q. Was this just you and he, or were other people along?

A. I think it was just he and I.

Q. How would you describe Bill Dewey's skiing ability?

A. He was pretty good.

Q. Other than gardening and skiing, do you recall any other activities that he engaged in outside of the work place on a regular basis?

A. I really can't.

Q. Okay. You say he had a huge garden. This was at Margate Road?

A. Uh-huh, yes.

Q. Do you -- do you know or recall, rather, what he was growing in that garden?

A. Maybe -- I'm guessing. I kind of visualize tomatoes and squashes and cucumbers.

Q. Okay. Did you ever see him working in the garden?

A. Uh-huh. Yeah, he was very proud of it. In fact, another time when I visited him in New

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Jersey, he had a -- a good-size garden.

Q. Was this in Franklin Lakes, New Jersey, do you recall?

A. Is that the first place he lived?

Q. I think we can all agree that it was.

A. Yeah.

Q. Now, while the Deweys were living on -- let me ask you -- let me withdraw that.

How long, if you know, did the Deweys continue to reside on Margate Road in Nashua?

A. I'd only be guessing. I'm not sure. I know he moved in -- lived in a couple other places around town. I really couldn't say. Couple of years, at least.

Q. Okay. Did your contacts with him during the couple of years that he remained on Margate Road continue in the fashion that you've just described; socially, once a month, --

A. Yeah.

Q. -- skiing every so often?

A. Yeah.

Q. Did you attend any other cookouts other than the one at his house?

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A. I probably did. I don't remember.

Q. Okay. Do you recall during the time period on Margate Road any other gatherings in which you and your wife and Bill and his wife were together socially?

A. Yeah, he had us over to dinner a couple times.

Q. This would be an inside dinner as opposed to a cookout?

A. Yes.

Q. Did they ever come to your house for dinner or some other social affair?

A. Yes, I'm sure they did.

Q. Now, when you saw Bill on these occasions while you're on Wethersfield Road and he's on Margate Road, and starting in '68 and lasting, as your best recollection is, couple years on Margate Road, did you have any discussions with Bill about his work, where he was employed and what he did there?

A. I don't remember any. I mean, I was aware of where he worked and more or less what he did, but I don't think we had any deep discussions

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about it.

Q. Did he ever discuss his family, not the family Claire, Bill and the children, but the family he came from before he got married? Did he ever discuss --

A. His parents and his brothers?

Q. His parents and his brothers.

A. Yes.

Q. Do you recall anything that he told you about his father?

A. I don't recall what he told me, but the impression I had is he had a great admiration for his father.

Q. Was there anything that you particularly recall Bill indicating that he admired in his father, any particular quality or activity of his father?

A. Yeah, his ability to make money is what impressed him as one thing.

Q. Did you ever meet Bill's father?

A. Once after Bill was dead.

Q. Was that after the funeral?

A. Uh-huh. Yes.

Q. Did Bill tell you what his father did to

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make this money?

A. He had a laundry business, I believe, down in Reading, Massachusetts. I think that's where he began, then I -- he subsequently moved to Texas, and what he did down there, I don't know.

Q. Did Bill ever indicate to you that he was estranged in any way from his father?

A. Well, I didn't get the feeling estranged. I know that he worked for his father and they didn't see eye to eye, and I guess Bill left, but I didn't get the feeling that they weren't speaking to each other, because I know he did speak to him from time to time. I can remember being there when he talked to him on the telephone.

Q. And from what you could observe from half the conversation, it was a cordial conversation?

A. Well, it wasn't hostile, I would say.

Q. You say you knew where he worked. Where did he work?

A. Sanders Associates.

Q. And you said you had some idea of what he did there. What --

A. He was in some management capacity. I

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don't know much beyond that. I know at one time he had a -- I think he had a large department that he was responsible for.

Q. Is this something that he told you?

A. I'm sure he did. It's nothing I observed.

Q. You never visited him at Sanders?

A. No.

Q. Do you know whether he had an automobile when he was living on Margate Road?

A. Well, all I can say is it would stand out in my mind if he didn't, because from that area you can't get anywhere without an automobile. I think he probably had two of them.

Q. Probably had two.

Do you recall what type of automobile he had?

A. No.

Q. Were there any other persons in the Wethersfield Road/Margate Road neighborhood that you recall knowing Bill Dewey or Claire Dewey?

A. Couple of my neighbors probably met him casually, but -- maybe a couple times.

Q. Well, let me ask you this: Is there

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anyone in that neighborhood that you can recall who was -- had more social contacts with Bill Dewey than you did?

A. Absolutely not.

Q. What about anyone in the neighborhood who had more social contacts with your wife than Claire Dewey did?

A. No.

MR. DARNELL: Excuse me.

THE WITNESS: There's only --

MR. SLATTERY: I think he's about to supplement his answer.

THE WITNESS: I'm just trying to get a feel by what -- what you mean by a neighborhood. There was another couple who lived a few miles up named the Corbits who I think saw a lot more of the Deweys than we did, but they didn't live on our street or our immediate area, or they did not live down on Margate. They lived -- I don't recall what street, but an area called Lancashire Heights, which is a little bit south of where I live.

Q. BY MR. SLATTERY: All right. To summarize it, there was no one in the immediate

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neighborhood that was closer, in your opinion, socially or had more social contacts with the Deweys than you and your wife?

A. No.

Q. Okay. But there may have been some people elsewhere in the Nashua area that were -- had more contacts, if you will, with the Deweys than your family?

A. I believe so.

Q. And you gave the name Corbit?

A. Bill -- I think it's Fred Corbit.

Q. Fred Corbit. And what about his wife's name, if you can recall?

A. I don't.

Q. Okay.

A. There was another couple named the Uptons who we used to see there all the time. I think his name was Bob.

Q. So you would see the Corbits at the Deweys frequently and maybe --

A. Usually when we were there they were there, yes.

Q. Okay. And these would be at the cookout

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and the dinners that you had --

A. Uh-huh.

Q. -- in the house?

A. Yeah.

Q. And the Uptons would also be there?

A. Sometimes, yes.

Q. Okay.

A. Less frequently.

Q. So the Corbits appeared to be closer friends than the Uptons?

A. I think so.

Q. Do you know how Bill Dewey knew Fred Corbit?

A. He worked at Sanders too. And I think Upton may have too, because I believe he was an engineer.

Q. Did you know the Corbits independently of the Deweys?

A. No.

Q. What about the Uptons?

A. No.

Q. You told me earlier that your daughter Erin and Billy attended kindergarten together. Were

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any of your children friendly in the sense that they played on a regular basis with Billy Dewey?

A. No.

Q. Okay. Do you know whether Billy Dewey had any boyfriends in the neighborhood?

A. I couldn't answer that, no.

Q. Do you have any recollection of Billy Dewey's health at the time the Deweys lived on Margate Road?

A. I just have recollection of him being frail. He's very thin, small boy, I think.

Q. You don't recall him ever being hospitalized?

A. No.

Q. Okay. Did -- was Renee Dewey living with the Deweys on Margate Road?

A. I don't remember if it was Margate Road, but I remember she was adopted. I remember at the time when -- when they were involved in getting her. I remember the child.

Q. Okay. So you've met her and you know about her, but you're not sure whether that was Margate Road?

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A. She was pretty small. I don't know if it was Margate or not.

Q. Can you tell -- tell me about the Deweys' house on Margate Road in terms of its age and size and that -- type of construction?

A. Well, it was a frame house elevated from the road. Had a large lawn. I don't know -- I don't think I was ever upstairs. It was a two-story house, and I'm sure it was three or four bedrooms, and it was a pretty nice place.

Q. All right. Would you --

A. Two-car attached garage, I remember.

Q. Could you describe the Margate Road neighborhood in terms of, just from a laynan's point of view, middle class, upper middle class or upper class or working class?

A. It was a nice middle class home, I would say.

Q. Were the other homes in the neighborhood similar --

A. Yes.

Q. -- in size and value to Bill's?

A. Yeah, it was comparable.

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Q. Do you know whether the Deweys owned that home?

A. I believed they did, yes.

Q. Was it a new house when they moved into it?

A. You mean did somebody else ever live there?

Q. Right.

A. I don't know. It wasn't a very old house because that whole neighborhood probably began about 1965.

Q. Do you recall to where the Deweys moved when they left Margate Road?

A. Not exactly. I remember two places they lived later, but I don't remember in which order.

Q. Okay. Well, do you recall a home that they lived in -- house, rather, that they lived in on Nottingham Drive in Nashua?

A. I think so. I think I've been in that one.

Q. Could you describe that house in the same fashion that you described the earlier one on Margate Road?

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A. Well, I'll tell you, that would be difficult because there's two other houses that I think he lived in that I have been in and confused in my mind, and I really don't think I could give much of a description of it.

Q. Okay. Well, let me ask you: Do you recall the Deweys living on Langholm Drive?

A. Yes, that's the other one.

Q. That's the other one?

A. Yeah.

Q. What about Emerson Road?

A. That doesn't ring a bell at all.

Q. What about an apartment on --

A. Yes.

Q. -- Spit Brook Road?

A. Yes.

Q. Do you recall that?

A. I've been there too.

Q. Okay.

A. I went to a Christmas party there once.

Q. You've been to Nottingham and Langholm and Spit Brook?

A. Yes.

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Q. You don't recall Emerson Road?
A. Yeah, that one doesn't ring a bell.
Q. Okay. And you -- you can't separate in your mind the house on Nottingham from the house on Langholm?
A. No, I really can't. I may -- may have only been in each one of them once. I remember the apartment pretty clearly.
Q. Well, let me ask about the houses, if you do have a recollection, and if you can't answer it, obviously you won't.
Were the houses that they lived in on Nottingham and Langholm larger or smaller than the one on Margate Road?
A. I'd say they were smaller.
Q. Were they older, or newer?
A. Probably newer.
Q. Okay. Do you know whether the Deweys owned those homes or rented those homes?
A. I thought they rented them.
Q. The Nottingham Drive neighborhood, would you -- how would you compare that to the Margate Road neighborhood?

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A. I'm not sure I remember which one it was.

Q. What about Langholm Drive, can you compare that --

A. Same -- same thing. I would say that the Margate house was, outside of the apartment, which was kind of a condo kind of thing, the nicest place they lived in.

Q. Margate Road was?

A. Yeah.

Q. All right. Now, explain -- describe for me, if you would, the apartment that they lived in on Spit Brook Road.

A. Yeah, that was pretty nice. It was two floors. It was a town house, actually, it wasn't an apartment. It was fairly spacious.

Q. What kind of a neighborhood is the -- is Spit Brook Road where the apartment was located?

A. Well, it's a lot changed now from what it was then. There wasn't much down there in those days. It's mostly condominiums and fairly expensive apartments today.

Q. This was one of the first ones built in that area?

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A. I think it was.

Q. Do you know whether these were condos that were owned, or whether they were apartments that were rented?

A. I think both are available. I think he was renting.

Q. Now, did your contacts with Bill Dewey continue at the same frequency level after the family moved from Margate Road and stayed in the Nashua area?

A. No, I think not. I think that was the high point of it, when he lived at Margate. I think we saw less of them later on.

Q. Well, do you know whether he ever changed employers while still --

A. Yes.

Q. -- living in Nashua?

A. He left Sanders and did a couple other things after that.

Q. Okay. Did he tell you why he had left Sanders?

A. He may have, but I don't remember. I know there was a huge layoff at the time. I don't

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know if he resigned or was laid off or what happened.

Q. Okay. Do you know any other jobs that he held while the family was still living in the Nashua area?

A. Yeah, he worked as some kind of consultant for an outfit named Proud Foot. I don't know where they were located. They weren't located in Nashua. He traveled a lot.

Q. Did Bill tell you what he did in connection with his employment by Proud Foot?

A. Yes. He -- I can't recall what he called the job, but he was one of these people who would be hired by -- well, company would hire Proud Foot to come in and go through their procedures to see where, you know, there was waste in paper work and maybe excess personnel, and he'd make his recommendations. An efficiency expert of some kind, I guess.

Q. And he would travel, then, to the site where the company that retained Proud Foot was located?

A. Yes, that's why we didn't see much of him after Margate because he went to work in this company and traveled all week.

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Q. Do you know of any of the companies that he serviced as an efficiency expert employed by Proud Foot?

A. Only the one he finally ended up with in New Jersey, the bakery.

Q. Lazzara Bakery?

A. Yeah. I know he was in Vermont. I know he was all over the place, out in Missouri or Kansas or something.

Q. You don't have any specific recollection of him telling you: I'm working for XYZ Corporation out in Des Moines, Iowa this week? You don't recall any specifics --

A. No, I don't. I know there was a monument company in Vermont. That's all I remember clearly.

Q. And the bakery you remember.

A. And the bakery.

Q. Did he tell you what he was doing for the monument company in Vermont?

A. Not really.

Q. What about -- did he tell you what function he was performing for the bakery?

A. Well, in -- in the bakery I had the

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impression that the management had brought him in to do something to do with finances.

Q. All right. Did Bill ever discuss with you his job satisfaction while he was employed by Proud Foot or lack thereof?

A. Well, I think he liked the job. I think he got tired of the traveling. That's about all I recall.

Q. From your social contacts with the Deweys in Nashua, were you able to observe the relationship between Bill and Claire Dewey?

A. I suppose.

Q. Did you ever see any arguments between the two of them in your presence?

A. No.

Q. Do you have an opinion as to what their relationship was?

A. Pretty good, from what I saw.

Q. There was nothing that you saw that would cause you to believe it was not a close relationship?

A. No, I always thought they got along pretty well.

Q. Did Bill ever discuss his relationship

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with Claire with you?

A. No.

Q. Would -- how would you describe him in terms of a -- a private or a public person? I mean, was he the kind of guy that would discuss personal or financial or business problems with a friend?

A. If he was, he didn't do it with me.

Q. Okay. You don't recall him ever discussing those kind of subjects with you?

A. Personal things, no.

Q. Or financial problems?

A. Only if it was something he wanted me to be involved in.

Q. Did there come a time that there was something that he wanted you to become involved in?

A. Yes.

Q. Can you tell us about that, what it was and how he approached you and what you did about it?

A. He got involved with a company called Bestline, and I don't remember the particulars too well, but it was a pyramid thing. Scheme, as I saw it. He -- you put up a certain amount of money and then you're expected to bring more people into the

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thing, and he took me to a meeting down at the Holiday Inn in Nashua. He had already joined it, and I didn't join it, and I just didn't see it the way he saw it, basically all there was to it, but I think he and some of his other friends got involved in it, I guess.

Q. Do you know whether Bill put any money into that venture?

A. Well, I -- I'm sure he must have because they wanted me to put up, I don't know, three to $5,000.00 right up front. I think that was the deal.

Q. You say you attended a meeting in Nashua?

A. Bestline meeting.

Q. This was a meeting conducted by the Bestline people?

A. Yes.

Q. And can you -- was the purpose of the meeting to interest prospective franchisees in the enterprise, or what was the purpose of it?

A. Yeah, it was a hard-sell proposition. I mean, they got a lot of people up there to give testimony on how much money they made and only joined six weeks ago and so on, and I just didn't

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think it was for me.

Q. Had -- had Bill already invested in the Bestline enterprise at the time of this meeting?

A. I think he had, yes.

Q. And am I correct that he brought you along to see whether he could get you interested as well?

A. Well, yes, I think they had a standard approach. His approach to me was, he called me on the phone one night and he said, you know: How would you like to make so much money. I mean, it was a good amount of money for that period of time, and it's a part-time business. You know: Come on down, take a look at it with me. So I saw no harm in it and I went, but when I saw what it was, I wasn't interested.

Q. Do you know whether Bill approached anyone else and invited them to this meeting that you attended?

A. Well, he must have, because the way that operation was set up is you go to various meetings around -- around the country and you try to pull in other people, and, you know, unless you get more

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money in it, more people in it, you don't have more money in it. I don't know who he brought into it, though.

Q. Okay. Well, was this meeting just for people that Bill Dewey had invited?

A. No, no, it was a large general meeting. There were a couple hundred people there.

Q. Okay. And some of them, including yourself, were invited by Bill, the rest by others?

MR. DARNELL: Objection. He didn't say there were other people that were invited by Bill. Based on his knowledge he's assuming that, as I understood his answer.

MR. SLATTERY: I don't think --

THE WITNESS: To clarify that, I don't know if Bill invited anybody else, and I don't remember anybody else being there with Bill but myself that night. That's the only time I was there.

Q. BY MR. SLATTERY: Okay. Well, do you know of any other people that Bill did discuss getting involved with Bestline?

A. No, I really can't recall.

Q. Okay. You said earlier, I believe, if

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I'm mischaracterizing it I'm sure you or Mr. Darnell will point that out, that Bill and a number of his friends invested money and lost money in the Bestline deal.

A. That was my impression.

Q. Okay. What's that impression based on? Why --

A. Conversation with him, I guess.

Q. Okay. But you don't know the names of these particular friends?

A. No, I couldn't add a name to it.

Q. Do you know whether the friends that had invested the money in Bestline had done so at the behest of Bill Dewey?

A. I really can't answer that either. I really don't know. For all I know, maybe there were no other people, maybe he just mentioned -- I don't know who he brought into it.

Q. Did Bill, after you had told him you weren't interested after this meeting that you attended, did he ever discuss with you what happened to his Bestline project?

A. Not directly. I had the feeling it

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didn't go well, and he got out of it, I think, within a year. And how much money he lost, I don't know. I know he had a certain amount of product. Apparently there was a line of products you have to buy, and I know he was stuck with that, a lot of that, because he gave us a bunch of it.

Q. Did you see these products at his premises?

A. I saw some of them, yeah.

Q. Where were they; in the garage?

A. Cleaning products, and I think it was in the garage, yeah.

Q. Were you ever present at a conversation between Bill and Claire that involved his investment in Bestline?

A. Well, I know he talked about it. I don't remember anything about it.

Q. You know that Bill and Claire talked about it while you were there; is that what you're saying?

A. I'm just assuming Claire was there on the conversation. I mean, there was general discussion of this Bestline thing because it was very dominant

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in his mind at that time, so I know he talked about it. I don't remember Claire's opinion, if that's what you mean.

Q. Do I understand from your testimony that Bill's involvement in the Bestline was as a second job, if you will, to what he was doing in the main?

A. Initially, yes, then he left Sanders and did full time for a period. I don't recall how long.

Q. So he was involved with Bestline full time for some period between leaving Sanders and starting with Proud Foot?

A. Yes.

Q. Had he -- had he gotten out of Bestline by the time he joined Proud Foot, as far as you know?

A. I think so.

Q. Do you recall what address Bill was living at when you saw the Bestline products in his garage?

A. It was either Nottingham or Langholm.

Q. Independent of Bill Dewey, do you know anyone else at that time period that invested any money in Bestline?

A. No.

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Q. Do you recall the Deweys moving from the Nashua area to New Jersey?

A. Yes.

Q. Okay. Did you have any discussions with Bill Dewey as to the fact that he was moving and why he was moving?

A. All I can remember is recommending that he don't go. That's about all I remember.

Q. Can you tell me the context in which you recommended that he not go? I mean, how did the subject come up and why did you make the recommendation? What did you say?

A. Well, when he described the job offer he had, it just didn't sound solid enough to me to risk moving everything that far.

Q. Okay. Can you tell me how he described the job offer that he received?

A. Pretty much in glowing terms. He was going to be a vice president and have a good deal of control over the company, but there was -- it was a family company, and I just didn't believe that.

Q. This was the bakery company that you're talking about?

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A. Yes.

Q. Now, you told us earlier that he consulted with the bakery while he was with Proud Foot.

A. Yes, that's how he met the people.

Q. And then they made him an offer?

A. Yes.

Q. And that's the offer that you just described --

A. Yeah.

Q. -- that he described in glowing terms?

A. Yes.

Q. Did he tell you what the financial package involved with the bakery?

A. I thought it was about a $50,000.00 salary and a potential of a pretty good bonus based on -- based on the company's profits. They were going to give him a company car and there was some other fringes. I don't recall what they were. Might have been some stock in it. I don't know.

Q. Did he describe to you the function that he was supposed to perform in the company? I think you indicated vice president.

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A. He was a vice president, and I don't think it was operations. I thought it had something to do with finances.

Q. I gather Bill didn't follow your advice and he did move to New Jersey.

A. Yes.

Q. Did you ever visit him down in New Jersey?

A. Yes, three or four times, maybe.

Q. Okay. Now, I think we agreed before that when he first moved to New Jersey it was to Franklin Lakes. Did you visit him --

A. Yes, that was a large house he was renting. I remember that.

Q. How many -- how often did you visit him at the Franklin Lakes house?

A. I think two times.

Q. This would be you and your wife? Any of your children?

A. Possibly. Most likely not, though.

Q. Did you stay with them at the house in Franklin Lakes?

A. At least once we did, yes.

MR. DARNELL: When you say stay with them,

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overnight?

Q. BY MR. SLATTERY: At the house, yes.

A. Yes.

Q. Would this be for a weekend?

A. No, just a night.

Q. Just one night?

A. Yeah.

Q. In terms of how long after Dewey left Nashua and went to New Jersey was this first visit to Franklin Lakes?

A. Less than a year probably.

Q. Okay. Did Bill tell you how the job at the bakery was going when you were down on the visit?

A. Well, in the beginning it was going very well, but I recall a -- they got into trouble later on.

Q. All right. Well, on your first visit he told you it was going very well?

A. Seemed to be. He took me down there, he showed me the place, toured me through. I remember it was a Saturday afternoon. Showed me his office and so on and introduced me to some of the people, I guess their weekend crew that was working there. It

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seemed to be going very well at that time.

Q. Based on his giving you a tour of the bakery, did he appear to be the person in charge of the bakery?

A. Yeah, he had --

Q. Pardon?

A. I say he had the keys to everything. He seemed to be able to go wherever he wanted.

Q. People that were there were people that worked for him?

A. Well, I don't really know. They were more bakers, and I don't think he was the direct authority over the operations of the thing, but he was obviously an executive in the company.

Q. You said they had a large house in Franklin Lakes. Would you describe the house for me in a little bit more detail; number of floors, number of rooms and size lot?

A. It was a -- it was a huge ranch, I'd say. I don't know, in that area probably be worth a couple hundred thousand bucks right now. It was a pretty nice house, large family room complex off one end, and pretty good piece of property with it.

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Q. Now, you say in the beginning things were going well with the bakery, but subsequently something happened?

A. Apparently, because he reduced his expenses and moved. I don't know the details.

Q. Did he ever explain to you why he had reduced his expenses and moved?

A. All I remember is he said the company got in trouble with a particular contract they made with the City of New York for baking bread for the schools or something, and I don't know if the City just didn't pay them or -- but anyway, they had had to make some cutbacks, and I don't remember the details, but there were some things he did not get that he had anticipated getting from these people.

Q. You mean part of the financial package he had been promised he didn't get?

A. Seemed to be, yes.

Q. Did he tell you anything about his personal role in this contract with the City of New York that went sour?

A. No. I didn't know he was involved in it.

Q. Did he discuss with you the owners of the

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business?

A. Yeah, a couple times.

Q. The Ferraro brothers?

A. Yeah.

Q. Can you tell me what he told you about them?

A. I wasn't aware it was brothers. I thought it was a father and son.

Q. You may be right. Two Ferraros, as I understand.

A. Because I remember he told me they went to their summer home down on the Jersey shore, and I thought it was the older people, then there was a son involved. Not an awful lot, no.

Q. Did he ever blame them for the business of the bakery not going as he had hoped?

A. I think so. At least partial.

Q. Do you know whether he was friendly with either the older or younger Ferraro?

A. No.

Q. Did you ever meet them?

A. No.

Q. Did he mention anybody else that he

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worked with at the bakery?

A. There was another guy I met down there, his name was John something, but I don't know if he worked for the bakery or not.

Q. Would that be John Killmore?

A. I think so.

Q. Where did you meet him?

A. At Bill's house.

Q. Do you understand he was a work associate of Bill's, or a friend of Bill's?

A. He worked with him somehow.

Q. Do you know whether Bill ever left his position with the bakery?

A. Yeah. Yeah, he went to work for Merrill Lynch.

Q. Did he leave the bakery, as far as you know, and go straight to Merrill Lynch, or was there a hiatus in between?

A. I didn't see much of him. I don't know.

Q. Okay. You say you made a couple visits to New Jersey, to Franklin Lakes.

A. And I think at least one to the other place.

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Q. That would be in Wyckoff?
A. Yes.
Q. Was he still with the bakery during your visit to Wyckoff?
A. I don't think so.
Q. Do you know where he was employed at that time?
A. Merrill Lynch, I believe.
Q. He was at Merrill Lynch?
A. Yeah.
Q. Was he still with the bakery during your second visit to Franklin Lakes?
A. I think so.
Q. Is that when you learned that things were not going as well as --
A. Most likely, yes.
Q. Okay. How would you describe the house in Wyckoff as compared to the one in Franklin Lakes?
A. Well, it was an old house, a two-story frame house. It was a nice house, but it was smaller than the other one, much older neighborhood.
Q. On your second visit to Franklin Lakes when the -- when you learned that there were some

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problems with respect to Bill's job at the bakery, did you notice that he had changed in terms of his personality from what you knew about him when you knew him in New Hampshire?

A. No.

Q. Seemed to be the same?

A. I'd say he did, yeah.

Q. What about when you visited him in Wyckoff, notice any change in him at that point?

A. Well, in Wyckoff he was very into Merrill Lynch and looking forward to a new career, and he was always a very enthusiastic guy when he got into things. He was very up about it. I gather he had a pretty good deal over there. I don't know exactly where it was. Something like he was doing at Proud Foot, I think.

Q. At Merrill Lynch?

A. Yeah, but just within the one company.

Q. Do you ever -- did you ever visit with Bill Dewey while he was unemployed?

A. I don't recall.

Q. Do you know whether Bill Dewey was ever unemployed for a period of longer than a month?

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A. Well, I know he was unemployed between the deal at the bakery falling apart and him ending up at Merrill Lynch, but I don't remember the duration of it. I don't think I saw him during that time.

Q. Do you recall Bill asking you for a recommendation when he was applying to Merrill Lynch?

A. No. Did I give him one?

Q. I'm not sure.

A. I don't remember, no.

Q. Don't remember.

All right. Now, I want to backtrack a little bit and take you through another subject.

When you first met Bill Dewey, he's on Margate Road and you on Wethersfield Road, do you recall whether he was a smoker of cigarettes?

A. I always remember him as a smoker, yeah.

Q. From the first time you met him?

A. Well, I just remember Bill Dewey as a smoker. I can't remember if the first time I met him he smoked, but he struck me as a person who smoked all the time.

Q. Do you ever recall a time at which he had

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stopped smoking?

A. To my knowledge, no. Yes, yes, he told me he quit smoking. Last time I ever talked to him he had quit, which was early in the year before he died. I guess he told me he quit then.

Q. And where were you and where was he during that conversation?

A. We hadn't seen him in a long time, and I was at my mother-in-law's in Westchester County, New York, and I called him and -- just to see how he was doing. And he wasn't feeling very good. That was early in the year he died, and he told me he had quit smoking and had been to a doctor and they didn't know what was wrong with him.

Q. Other than that time, did you -- did he ever tell you that he had quit smoking?

A. Not that I remember.

Q. Did you ever notice that he had quit smoking at any other time?

A. No.

Q. Did he ever tell you that he had tried to quit?

A. Don't remember that either.

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Q. Were you ever present when the discussion of Bill Dewey's smoking came up?

A. You know, he smoked a pipe sometimes. Maybe those were periods when he stopped smoking cigarettes, but I can remember him smoking a pipe on occasion.

Q. You can recall him smoking a pipe?

A. I recall him smoking a pipe.

Q. Now, is this New Hampshire, or New Jersey?

MR. DARNELL: Or both?

THE WITNESS: Probably New Hampshire.

Q. BY MR. SLATTERY: Okay. Did you say anything to Bill when you saw him with a pipe saying: Hey, Bill, what are you doing with a pipe?

A. I must have, because I think it sticks in my mind that I saw him with a pipe.

Q. Do you recall what his explanation was as to why he was smoking a pipe?

A. No, I don't.

Q. Do you recall for the duration of the period, if there's more than one, the periods, that he smoked a pipe?

A. No, it's pretty vague.

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Q. Do you recall it was on more than one occasion that you saw him with a pipe?

A. I couldn't say.

Q. But you do recall seeing him with a pipe?

A. I recall a pipe, yes.

Q. Okay. And there was a discussion, but you don't recall what it was?

A. I think there must have been a discussion. I don't recall any details.

Q. Okay. Do you ever recall being present when Claire Dewey commented on Bill's smoking cigarettes?

A. I don't remember. No.

Q. Did you ever discuss cigarette smoking with Claire?

A. I doubt it.

Q. When you first met Dewey when he was living on Margate Road, do you have a recollection of how much he smoked?

A. He was a -- I would characterize him as a heavy smoker. Seemed to have a cigarette in his hand a lot.

Q. Were you smoking at that time?

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A. Probably. Yes.
Q. Did you ever ask him how much he smoked?
A. I don't remember.
Q. Do you know what cigarettes he was smoking on Margate Road?
A. They were filter tips. They were Marlboros or one of those red and white packs. I don't recall exactly what he smoked.
Q. Okay.
MR. DARNELL: Off the record.
(Discussion off the record.)
(Recess taken.)
Q. BY MR. SLATTERY: Did Bill Dewey ever tell you why -- why he smoked?
A. I don't think so.
Q. On the occasions on which you were together with the Deweys starting in New Hampshire and continuing into New Jersey, did you observe whether Bill Dewey drank alcoholic beverages?
A. Yes, he did.
Q. Was that when you were with him together socially from the beginning until the last time you were together?

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A. I think he did, yes.

Q. Did he have a particular drink that was his favorite?

A. The only one I recall is he liked a Manhattan.

Q. Did he have any particular way of making a Manhattan?

A. I think he did, because he always insisted on doing it himself, and when he'd come to my house, he'd do it.

Q. Did he ever bring his own ingredients?

A. Yes.

Q. Do you -- based on your observation, do you know how much he would drink at any one time in your presence?

A. I don't think -- as I remember, he'd drink a couple of these things and then he'd switch to something lighter.

Q. By "these things," you mean the Manhattans?

A. The Manhattans, yes. How much, I don't know.

Q. Something lighter would be beer or wine

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or --

A. Or -- or I think -- I may be wrong, but I thought something like a whiskey and water type of drink.

Q. Did you ever see Bill when he appeared to be affected by his consumption of alcohol?

MR. DARNELL: Objection to the question. You can answer.

THE WITNESS: Maybe once or twice. He -- he really was the kind of guy that would drink for a while and then he'd quit. I mean, he knew his limitations and he was really -- you know, fairly early in the evening he would say: No, I don't want anything else.

Q. BY MR. SLATTERY: Okay. Did you ever have a discussion of drinking with Bill?

A. As a problem?

Q. No, just as a subject, not necessarily as a problem.

A. I don't think so.

Q. Do you recall Claire ever saying anything to Bill in your presence about Bill's drinking?

A. I don't think so.

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Q. Now, you mentioned this one cookout up in New Hampshire as the first time that you met Bill. Did Bill like, based on your experience with him, to cook out, barbecue?

MR. DARNELL: Excuse me. Clarification, please. When you say "liked," do it himself, or eat what others had cooked?

MR. SLATTERY: Well, right now I'm asking about doing it himself.

MR. DARNELL: Fine. I just want to make sure --

THE WITNESS: I think he did it. I don't know how much he liked it. I don't know if I ever went to another barbecue at his house. I have a feeling I must have, but I don't remember.

Q. BY MR. SLATTERY: So you -- okay. You mentioned at the early part of your testimony about his gardening and the gardens that he had both in New Hampshire and New Jersey. Did you ever see the garden products that he utilized in the garden?

A. He gave us some tomatoes, I can remember, at least once. I think -- I think some squashes as well.

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Q. Okay. Do you know whether he used fertilizer in the garden?

A. I don't know. He had a very successful garden, I can say that.

Q. Okay.

A. I don't know how he did it.

Q. You didn't see any spot in his garage, for example, where he had the garden implements and the garden fertilizers and seeds?

A. Not that I remember.

Q. From your observations and from your being present in his home, did Bill spend -- how much time did Bill spend with his son, Billy, Jr.?

A. Couldn't say. I don't know. I think he told me he went to a rock concert with him once.

Q. Was that in --

A. Probably in New Jersey.

Q. Probably in New Jersey.

I asked you earlier about Billy, Jr.'s health when he was living on Margate Road. Did his -- you indicated that he was -- I don't know exactly what words you --

A. Frail.

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Q. Frail is the word. Did his frailness continue, or did he get stronger as he got older, from your observations?

A. I think he put on weight and seemed to gain strength later on. I'm trying -- that was maybe when he was 15 or so, I think. I didn't see an awful lot of him, the boy.

Q. Okay. Did you ever see Bill and his son doing things together, say, having a catch with a football or a baseball?

A. Not that I remember.

Q. When did you first learn -- I'm sorry, I think you already told us the answer to that.

You learned that Bill was not feeling well in a conversation that you had with him you told us about already.

A. (Witness nods head.)

Q. All right. When did you first learn that his illness was serious?

A. Well, I think first time I talked to him must have been -- what year did he die, about?

Q. Well, 1980, I think we can all agree, is the year.

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A. He died in 1980. Well, all right. I think it was probably about February of 1980 that I had this conversation with him when he told me he wasn't feeling good. I think I was next down at my mother-in-law's in April of that year, at which time he told me that they had found a growth on his throat and he was going for treatments. Maybe it was May. Springtime, anyway.

Q. Did you subsequently learn that he was hospitalized as a result of his condition?

A. Claire called us when he was in the hospital, and as a matter of fact, we had planned to go see him in the hospital the weekend he died, and we had gone down to my mother-in-law's and we found out he died, and that's why we were able to go to the funeral.

Q. When Claire called you on the phone to say that he was in the hospital, can you tell us as best you recollect it what she said about his condition?

A. Said he couldn't breathe. He had an oxygen mask on him, I think, or something.

Q. Did she said anything about what the

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cause of his being unable to breathe was?

A. Cancer.

Q. She knew it was cancer when she called?

A. I think so.

Q. And you were at the funeral as well?

A. Yes.

Q. Did you go back to the house afterwards?

A. Yes.

Q. And did you -- did you talk to Claire at that point about the cause of Bill's death?

A. I don't remember talking to Claire too much. There were a lot of people there, and we didn't stay very long because we had to leave, and I think we might have stayed an hour or so.

Q. Now, subsequent to your attendance at the funeral, I guess you went back home to New Hampshire?

A. I think we went to my mother-in-law's and probably back from there.

Q. Okay. Did you have a conversation after you got back to New Hampshire over the telephone with Claire about any litigation that she was considering?

A. The only thing I remember was at some

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point I think she came to visit us, she was in New Hampshire. I think she was on her way to Canada and she stopped to see us.

Q. Right.

A. And she showed us some letter, I don't remember who wrote it or -- I think Bill wrote it, some letter indicating that the doctor had misdiagnosed what he had, and then I think she got involved with some lawsuit against the doctor. I don't really remember the details.

Q. Okay. But she showed you a letter that Bill had written to --

A. I think it was written by Bill.

Q. To the doctor?

A. (Witness nods head.)

Q. Complaining about his treatment?

A. Yeah, I think so.

Q. And you believe she got involved with a lawyer and an action or a claim against the doctor?

A. I don't know if it actually went so far as a lawsuit. I know she talked to a lawyer, and I don't know what happened from there.

Q. Okay. And this is something she told you?

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A. Well, she may have told my wife who told me. I don't know.

Q. Okay. Other than this letter that she showed you that Bill had apparently written, did you receive any other correspondence from Claire with respect to a lawsuit emanating from Bill's death?

A. Well, she wrote to my wife periodically, but I didn't necessarily read the letters because I think they were addressed to her pretty much.

Q. And do I understand from your testimony you don't know what was contained in those letters, if anything, about litigation?

A. Nothing I could be specific about.

Q. Did your wife ever tell you: I got a letter from Claire and she says she's going to sue A, B or C?

A. I think that's where I found out that they were talking about suing the doctor. I'm sure Claire either wrote to her or spoke to her on the telephone. She didn't talk to me.

Q. Did you ever learn that Claire was -- or did you ever learn from Claire or either from -- directly or through your wife that Claire was

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intending to sue someone other than a doctor?

A. Not until we heard about this situation.

Q. And you heard about this after the suit was filed?

A. I think after the fact, yes.

Q. Have you discussed the case with Claire since you learned about it?

MR. DARNELL: You say "the case." This case?

MR. SLATTERY: This case.

THE WITNESS: The only time we discussed it with Claire was after I got the subpoena, and I guess my wife called her up and said: What's this all about, and Claire just -- all I can recall is Claire said: Well, everybody that knows Bill is giving testimony, and it was pretty much it.

MR. SLATTERY: That's all that I have.

MS. PATTERSON: Okay. Mr. Longan, my name's Anne Patterson. I represent R. J. Reynolds Tobacco Company. We introduced ourselves before the deposition started.

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EXAMINATION

BY MS. PATTERSON:

Q. You mentioned that you were a cigarette smoker, and I think you said you quit ten or twelve years ago.

A. Maybe more, I'm not sure.

Q. And would that have been, to the best of your recollection, in the period that you knew Bill Dewey?

MR. DARNELL: You say "knew Bill Dewey." You mean when Bill Dewey was in New Hampshire, or any time after he met Bill Dewey?

Q. BY MS. PATTERSON: At any time after you met Bill Dewey.

A. I knew him, sure, at the time.

Q. Do you remember how you quit smoking?

A. Just gave them up.

Q. Just did it.

A. I -- well, I did it gradually. I mean, I -- I think I reduced it to a couple a day with coffee, and then I eliminated coffee and I eliminated the cigarettes and that was it.

Q. Do you remember why you quit?

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A. Yeah, I got involved in a pretty much daily exercise program, and, you know, I just felt that it would be better for my wind, endurance and so on.

Q. Did you ever talk to Bill Dewey about having quit cigarettes and how you quit?

A. I may have. I don't remember.

Q. You mentioned that Bill smoked a pipe for a while.

A. I don't know if it was a while. All I remember is at one period he was smoking a pipe.

Q. Okay. When he was smoking a pipe, let's say if you saw him on a particular occasion smoking a pipe, would he also be smoking cigarettes, or was it just the pipe?

A. I think he was just smoking a pipe at that time.

Q. Okay. Do you remember any comments he made about smoking a pipe versus smoking cigarettes?

A. No, I don't.

Q. I think you testified that you skied with Bill Dewey.

A. Uh-huh, yes.

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Q. Is that correct?
A. Yes.
Q. Was he a good skier?
MR. DARNELL: Objection. Was asked and answered by Mr. Slattery. He did comment to Mr. Dewey's skiing ability. He said he was a good skier.
THE WITNESS: He was pretty good, yes.
Q. BY MS. PATTERSON: Seemed to enjoy skiing?
A. Yeah, he was calling me. He usually called me when he went skiing.
Q. Would you ski on advanced slopes, or intermediate --
A. I wouldn't. He may have, but I was never an expert skier.
Q. Do you remember what slopes he would ski on?
A. He -- I really don't know if he got to advanced. He did some, I remember, over at Crotched Mountain. I've got some --
Q. I'm sorry, what was that?
A. Crotched Mountain is one of the ski areas here in New Hampshire, and I remember this fellow Corbit was a ski instructor up there, and Bill would

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ski on some of the slopes I wouldn't go on, some of the trails.

Q. Did Bill ever mention to you that his father made some money investing?

A. I think so. In what, I don't know, though.

Q. Do you remember any of the details of what he told you?

A. All I can remember is that Bill said that his father had a certain amount of -- I don't know if it was stock or what it was. He had some investments that enabled him to retire and live pretty well, and Bill thought that was a good program. I think he wanted to do the same thing.

Q. Did you talk about that in connection with his investments in Bestline?

A. I don't think so. I don't think so.

Q. Was in connection with something else?

A. Seems to me it was something he talked about in New Jersey when he was already beyond Bestline.

Q. Now, you mentioned that you spoke to Bill, would have been 1980, the year he died, --

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A. Uh-huh.
Q. -- and he said he had quit smoking.
A. Yes.
Q. Did he tell you anything else about that?
MR. DARNELL: What's "that?" Do you want to define "that," please?
MS. PATTERSON: About his quiting smoking, Mr. Darnell.
THE WITNESS: He said he quit smoking and then he got this thing in his throat where he just had a tickle or something all the time, and at that conversation I think he was equating the condition in his throat to something that had happened when he quit smoking. In the beginning he thought that had some affect on it.
Q. BY MS. PATTERSON: Just so I understand, he -- I think you testified before that he was not feeling well at the time --
A. Yeah.
Q. -- he spoke to you.
A. He was getting headaches, too, I think he said.
Q. Did he tell you why he quit?

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A. I don't remember that anybody had recommended it or anything. I don't really remember.

Q. Did it have anything to do with health concerns?

MR. DARNELL: He said he didn't remember. You can answer.

MS. PATTERSON: I believe he said he didn't remember anybody recommending it.

THE WITNESS: I really don't recall him saying anything being any reason --

Q. BY MS. PATTERSON: Okay.

A. -- that he had quit.

Q. Did he tell you how he quit? And by that I mean, did he quit suddenly?

A. No, it was really a fairly short telephone conversation, and we didn't really delve into it.

Q. Okay. You mentioned that Mr. Dewey would occasionally drink Manhattans.

A. I don't know how often he did it. When I saw him, he did it.

Q. Okay.

A. I saw him occasionally, so that may be

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why I said occasionally.

Q. On occasions when he would have cocktails, would he smoke at the same time?

A. I'm certain he did, yeah.

Q. Did you notice whether he smoked more or less than normal during that time?

A. No, I don't know.

Q. Before we all introduced ourselves this morning, had you met Mr. Darnell?

A. Yes.

Q. When was that?

A. This morning.

Q. I take it earlier this morning when you arrived here?

A. Yes.

Q. How long did you meet with Mr. Darnell?

A. Maybe 35 or 40 minutes.

Q. What did he tell you?

A. Told me who he was, who he represented, what a deposition was and who might be here, and that's about all I recall.

Q. Did he tell you anything about the case?

A. Not really.

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Q. Okay. Before that time had anybody -- had Mr. Darnell or anyone from his law firm contacted you?

A. I have had two phone calls from a woman who -- Hannabury --

MR. DARNELL: Marie Hannabury?

THE WITNESS: Who's called me at the office a couple times telling me about today's date. That's about it.

MS. PATTERSON: Off the record.

(Discussion off the record.)

MS. PATTERSON: That's all I have, Mr. Longan. Thank you.

MR. KEARNEY: Sir, my name is John Kearney. I represent American Brands.

EXAMINATION

BY MR. KEARNEY:

Q. Was Mr. Dewey ever injured in -- when he went skiing?

A. I don't remember that he was.

Q. Do you recall any hospitalizations that he had during the time he lived in New Hampshire and you knew him?

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A. No.

Q. During that time in New Hampshire, did you ever notice if he had a cough on a regular basis?

A. No.

Q. How about during the time that you knew him when he was in New Jersey?

A. I don't remember it.

Q. You mentioned that after Margate -- after the Margate Road residence Mr. Dewey and his family moved around to several other places in Nashua. Do you know if there was any particular reason why they moved around while living in Nashua?

A. I seem to remember at one time he had a lease, I think, and that had ended, and I think he had to move. That's about all I can remember.

Q. I think you testified that the Margate Road you thought was owned by the Deweys.

A. I'm sure it was, yes.

Q. Did they ever own a home again in the Nashua area to your knowledge?

A. I don't think so.

Q. Do you know why they did not own a home again in Nashua after Margate Road?

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A. I just had the impression he didn't have the down payment.

Q. Do you know why they sold the Margate Road home?

A. Well, putting two and two together, I think he used the money for Bestline. I don't think he told me that, I think I'm just surmising.

Q. During those occasions when you had dinner at the Dewey home or the Deweys ate at your home, did you ever notice if Mr. Dewey smoked during the meal?

A. I think he may have.

Q. In other words, while you were eating the food he would smoke?

A. Yeah, yeah, between courses maybe.

Q. Did you ever see him smoke a cigar?

A. I don't remember.

Q. Do you know if Claire Dewey ever told Bill to stop smoking?

A. I don't remember that.

Q. Do you know if she ever told him to cut down on the number of cigarettes he smoked?

A. I really wouldn't know.

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Q. Do you know if Bill Dewey was a regular reader of any newspaper when he lived in New Hampshire?

A. I remember newspapers at the house. I don't remember.

Q. Is there a daily newspaper in Nashua, or was there at that time?

A. Yes.

Q. What's the name of that?

A. Nashua Telegraph.

Q. You mentioned that, in your phrase, Bill and his dad didn't see eye to eye when Bill was working with his father. Do you recall that testimony?

A. I don't remember my words, but that describes it.

Q. Okay. Do you know what -- on what topics or issues they -- they did not agree?

A. Bill was, I believe, a salesman for his father traveling on the road. I don't remember what their business was, and I guess the marketing methods were apparently something they had a dispute over.

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Q. Do you know if Bill and his father had any disagreements before he worked for his dad?

A. I really don't know.

Q. You indicated that you met Mr. Dewey's father after the funeral; is that correct?

A. Yes.

Q. That was the one and only occasion?

A. Yes.

Q. Did you talk to him at that time about the cause of Bill's death?

A. Yes.

Q. And what do you recollect of that conversation?

A. I remember that the elder Mr. Dewey, he felt -- he couldn't believe that cigarettes could -- could do that to Bill because he had smoked all his life. I remember him saying something to that effect.

Q. Who brought up the topic of cigarettes during that conversation?

A. I don't remember. It was kind of a general conversation, I think.

Q. Was anyone else a part of that

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conversation?

A. I think Bill Dewey's brother Ned was there.

Q. Okay. Anyone else?

A. Possibly. I don't remember.

Q. Did Ned Dewey say anything regarding the cause of Bill's death during that conversation?

A. I don't remember him saying anything.

Q. Did Bill's dad ever say that he told Bill to stop smoking cigarettes?

A. Not to me.

Q. You mentioned the Uptons. Do you know where they live today?

A. I -- I thought they still lived in Nashua.

Q. Do you know what that address was the last time?

A. I think they lived down on Amherst Road.

Q. Do you know where the Bestline operation was located?

A. No, I don't.

Q. Did Bill Dewey have a supervisor or someone over him in the Bestline operation?

A. Yeah, I think he did. I don't know who

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it was or where he was, but there was some chain of command.

Q. You mentioned a conversation between yourself and Bill Dewey when you recommended that Dewey not go to New Jersey to take the job. Do you remember that testimony?

A. Yes.

Q. Did you ever talk to Claire Dewey about whether or not -- strike that.

Did you ever talk to Claire Dewey about their proposed move to New Jersey?

A. Probably.

Q. Did she ever indicate that she did not want to move to New Jersey?

A. I think she was less enthusiastic than he was.

Q. Did Bill Dewey ever mention any bankruptcy proceedings regarding the bakery at which he worked?

A. Yes.

Q. What do you recall him talking about in that regard?

A. I -- I just remember the family, I guess,

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declared bankruptcy and the company went out of business. I don't remember Bill was involved in it or how he was involved. I guess he was involved in it. I don't know how.

Q. Did Bill ever mention whether the bakery business was being investigated by a grand jury?

A. Yeah, there was some -- something irregular. I don't remember what it was, though.

Q. Did he ever indicate that he was --

A. I don't know if he ever mentioned the grand jury, but I remember there was some irregularity that he was concerned about.

Q. What was his concern?

A. He was worried about something -- having done something dishonest. I don't remember what it was, though.

Q. Did he ever indicate any concern that he might have to testify in regard to those matters?

A. I don't remember any conversation like that.

Q. Bill Dewey ever say to you that he wanted to quit smoking but he couldn't?

A. Not that I remember.

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Q. Do you know if Bill Dewey ever gave up alcohol for any period of time?

A. He didn't tell me about it if he did.

Q. Did Claire Dewey ever say that she thought the doctors that treated her husband caused his death?

A. I don't know if she said exactly that. I know she had some disparaging remarks to make about the whole situation.

Q. Did she make those remarks to you?

A. I think so.

Q. What -- do you recall those remarks?

A. I don't recall it specifically. I just remember that she did complain about at least one doctor.

Q. Do you recall the name of the doctor?

A. No, I don't think I ever knew.

MR. KEARNEY: Thank you, Mr. Longan.

MR. DARNELL: I just have a few.

MR. SLATTERY: Alan, do you mind if I ask a couple questions? I had a couple more. I found something that -- so if you're going to cross, it may be better if I finish.

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MR. DARNELL: Go ahead.

FURTHER EXAMINATION

BY MR. SLATTERY:

Q. I had asked you whether you'd ever given a recommendation for Bill Dewey at Merrill Lynch, and frankly I wasn't sure in my own mind, and I had a chance to check. I want to ask you a question about that. I'd like to mark this document which we will provide you a copy. I just got this two days ago which --

MR. DARNELL: I'm going to object to not having been supplied with it prior to today. I think there are outstanding interrogatories to both of the defendants that require them to be updated periodically, and if you get something you're going to use against a witness or discuss with a witness, I'm entitled to see it, you know, not immediately prior to the event.

MR. SLATTERY: Well, I don't think that the page I'm going to use is going to cause any great consternation.

MR. DARNELL: That may be, but as a general procedure it's --

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MR. SLATTERY: You're absolutely right, and I only got this a couple days ago, and apparently it -- they don't send them out immediately, but when they get enough they send them out to you, and --

MR. KEARNEY: We can take a break at --

MR. SLATTERY: Do you want to take a break? There's --

MR. DARNELL: I'd just like to see them. We don't have to take a break.

MR. SLATTERY: The pages were marked by that pencil.

MS. PATTERSON: I just want to make sure we deal with the situation you're objecting to.

MR. DARNELL: I don't know that I've been supplied in the last several months, maybe one to one on my co-counsel, with any -- any documents that may have come up in this case, and that if there are those that have come in in a package waiting for them to pile up, don't wait any longer. I'd like to see them. I know I didn't get the Sanders thing until yesterday. I certainly haven't gotten whatever it is that -- from Merrill Lynch that we're

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talking about here, so I would request that upon your return, whoever it is that has that responsibility, send me these things because this is intended to be trial by --

MR. SLATTERY: No, I think your comments are well taken. Don't feel slighted, Alan. Some of the defendants are in the same position.

Do you mind if we take a couple minutes, Alan? Do you want this off?

MS. PATTERSON: Off the record.

(Discussion off the record.)

(Recess taken.)

MR. SLATTERY: We'll mark this -- let's see, DB --

MR. DARNELL: DBW.

MR. SLATTERY: DBW 1. And it's 33 pages. I'll describe what it is after we mark it. Okay.

(Exhibit DBW 1 was marked for identification.)

Q. BY MR. SLATTERY: All right. Mr. Longan, I've had the reporter mark for identification as DBW 1 a 33-page document which we have received from Merrill Lynch pursuant to an authorization which the

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plaintiff gave us which is represented to us as the personnel records of William Dewey at Merrill Lynch.

A. Okay.

Q. I want to show you the 23rd page. The pages aren't numbered. It's the 24th -- I'm sorry, it's the 23rd and 24th page of this document. Okay?

A. Uh-huh.

Q. I want you to take a look at those two pages, and then I'm going to ask you some questions about them.

A. (Witness complies.)

MR. KEARNEY: Off the record.

(Discussion off the record.)

THE WITNESS: Yes, uh-huh. Okay.

Q. BY MR. SLATTERY: I asked you --

A. So apparently I gave him a reference.

Q. Okay. Let me ask the question.

I asked you earlier whether you've given a reference, and you couldn't recall.

A. Uh-huh.

Q. You've now had an opportunity to look at what Merrill Lynch has provided us?

A. Uh-huh.

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Q. I'm going to ask you again. Do you now recall --

A. No, it's my writing, but --

Q. Page 24 contains your signature?

A. Yes.

Q. And it's also your handwriting?

A. Yes.

Q. Okay. I had asked you earlier whether you recalled any jobs that Mr. Dewey had between the bakery and Merrill Lynch.

A. Yes.

Q. And I believe you told me you couldn't recall any specifically.

A. I don't. I'm looking at that statement there, and all I can think of, and it does seem to come to me, that he and this John Killmore had something going on their own, I think maybe in between. I guess after he left Lazzara's.

Q. Let me just read so everyone knows what we're talking about.

In the personal reference verification that contains your signature it has a section here says "Remarks," and in your handwriting it contains:

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When he was hired and moved to New Jersey by Lazzara Bakery Products. After their demise, paren, Lazzara's, end paren, he was self-employed in New Jersey.

A. Yeah.

Q. Okay. That's the phrase that we're both talking about, the self-employed --

A. Yes.

Q. And it's your recollection now that he had some sort of deal with Killmore?

A. Well, it's pretty vague because I don't think I saw him during this period. I think this is something he might have told me at some point, but it seems to me he and this Killmore went into some kind of consulting business much like he had done at Proud Foot, but on his own, and how long it lasted, I don't know.

Q. All right. Do you recall any -- Bill telling you any companies that they had consulted for?

A. I really don't.

MR. SLATTERY: That's all I have. Maybe we'll mark these two pages, then, I'm talking about which I believe is the 23rd page here which says

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"Personal Reference Verification," Thomas Longan, 6/22/78, and then the second page which contains -- is a continuation of the first page, contains Mr. Longan's signature along with other things.

MR. DARNELL: DBW 1A -- DBW 1A and 1B.

MR. SLATTERY: Right. Very good.

(Exhibits DBW 1A and 1B were marked for identification.)

MR. DARNELL: Good morning, Mr. Longan. My name is Alan Darnell, and I represent Claire Dewey in this case.

EXAMINATION

BY MR. DARNELL:

Q. Mr. Kearney questioned you before concerning some possible dishonesty at Lazzara's. Do you recall that questioning by Mr. Kearney?

A. Yes.

Q. All right. Did you get any sense from your conversations with Mr. Dewey that he was concerned that he had been dishonest, or that it had been someone else?

MR. KEARNEY: Objection to the form. I don't know what you mean by "did you get a sense."

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MR. DARNELL: I'll rephrase it.

Q. BY MR. DARNELL: Did Mr. Dewey tell you whether he was concerned that he was dishonest, or whether he was concerned that someone else had been dishonest?

A. My impression was that there was dishonesty done that he was unaware of.

Q. Okay. Now, you testified, I think in response to Mrs. Patterson's questions, that we had met this morning. Do you recall that?

A. Yes.

Q. Prior to today had you been interviewed by any representatives of the tobacco company defendants in this lawsuit?

A. R. J. Reynolds, yes, twice.

Q. Okay. Who -- who interviewed you the first time?

A. I don't remember their names.

Q. Do you recall where that person was from?

A. There were two people, both from Los Angeles.

Q. Did they tell you what kind -- were they private investigators?

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A. Yes.

Q. And what did they ask you?

A. Very many of the same questions we heard this morning.

Q. Now, after you -- I assume you voluntarily agreed to speak with them?

A. Yes.

Q. And did you have any discussions with them during that first interview about any further need they would have to interview you or --

A. I -- I think I was apprehensive about getting involved in anything, a long-term basis, and I remember asking the individual, you know: If I give you some statements now that doesn't mean I'm going to end up in court on this whole thing, and he assured me I wouldn't.

Q. And did you have a second interview with someone from R. J. Reynolds?

A. Same -- well, one of the people came back plus an attorney from New York.

Q. Do you recall that attorney's name?

A. No.

Q. Was Mrs. Patterson one of the people --

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A. I don't believe so.

Q. And what were the subjects discussed on the second occasion?

A. Seems to me it was the same rehash of what we did the first time.

Q. Was anything asked of you beyond the type of questions that were asked of you this morning by those people?

A. Not that I remember. Nothing significant.

MR. DARNELL: That's all I have.

MS. PATTERSON: Just a couple questions, Mr. Longan.

FURTHER EXAMINATION

BY MS. PATTERSON:

Q. You mention that two people visited you the first time and that --

A. Uh-huh.

Q. -- the same -- one of the same people came the second time with someone else. Did all of these people fully identify themselves?

A. Yes.

Q. And there was no mystery as to who they were?

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A. No, I'm sure they gave me their cards, I just don't have them anymore.

Q. And they told you who they represented?

A. Yes, I wouldn't let them in the house otherwise. They were very up front about what they were there for.

Q. And did they pressure you in any way?

A. No.

Q. Did they harass you in any way?

A. No.

MS. PATTERSON: Thank you, sir.

MR. KEARNEY: I just have a couple other questions.

FURTHER EXAMINATION

BY MR. KEARNEY:

Q. Do you recall Bill Dewey ever smoking while he was skiing with you?

MR. DARNELL: When you say while he was skiing, you mean --

MR. KEARNEY: In the act of skiing.

THE WITNESS: Going down the hill, no. I can remember taking a break and going into the warm-up shack for a smoke, things like that.

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Q. BY MR. KEARNEY: But when he was skiing on the mountain he wasn't smoking?

A. He had mittens on. I'm sure it would be difficult.

Q. You mentioned that on one occasion that Mr. Dewey took you to the bakery where he worked and gave you the tour; is that right?

A. Yes.

Q. Where was his office located in relation to the place where they did the baking?

A. Well, it was a large old plant, a brick building, I think, and there was sort of an executive suite, and then his office was down the hall from it, I think closer to the bakery area that he was in the -- you know, this is a very hot environment, and he was in the air conditioned area where the general offices were.

Q. Could you estimate the distance between his office and the beginning of the bakery production area?

A. Maybe from here to the lobby.

Q. Okay. Fifty feet, a hundred feet?

A. Maybe less.

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Q. Okay. Was -- did he have an office all his own?

A. Yes.

Q. Was it an office where the walls went right up to the ceiling, or were there openings between the ceilings and the wall?

A. It was an enclosed room, because I remember there was an air conditioner in there.

Q. Did you go into the actual baking area with him?

A. Yeah, he gave me a tour of the ovens and -- and the racks and the whole thing.

Q. And was it hot in the area where the ovens were?

A. Very hot.

Q. Could you estimate what the temperature was in that area?

A. Over a hundred.

Q. Did Mr. Dewey tell you whether he had to walk in that area during the day as part of his job?

A. I think he went out there, yes.

Q. Did you notice if there was anything on the floor in that area?

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MR. DARNELL: When you say "on the floor," you mean other than -- you mean dust and that kind of thing?

MR. KEARNEY: I mean was there anything on the floor.

THE WITNESS: There was equipment, trays, carts that they moved the bread around with. It was kind of a, you know, cluttered area.

Q. BY MR. KEARNEY: Was there any flour in the area, F L O U R?

A. I don't remember. I was in there on a Saturday when they weren't making the bread. It was just a maintenance crew repairing, maintaining equipment.

Q. Did Mr. Dewey ever mention to you that he worked with or around cobalt?

A. No.

Q. Do you know if Mr. Dewey ever went on a regular exercise plan like you mentioned you went on?

A. I don't think he did.

Q. Did he do anything for physical exercise other than ski that you knew of?

A. No. Yeah, he played a little tennis.

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MR. KEARNEY: Thank you. That's all I have?

MR. DARNELL: Just one question.

FURTHER EXAMINATION

BY MR. DARNELL:

Q. Between the area at Lazzara's of Mr. Dewey's office, I think you said there was an air conditioner in that area.

A. I seem to recall there was kind of an executive suite that was air conditioned, and then Bill had another office that was separated somehow from it, and it had its own air conditioner.

Q. Was there anything -- physical separation such as a door between the area where Mr. Dewey's office was and the actual area of the baking?

A. I think there were a couple doors.

MR. DARNELL: That's all I have. You're done.

MR. KEARNEY: Thank you, sir.

MR. SLATTERY: Thank you.

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_____
Deponent

STATE OF_____

COUNTY OF_____

Subscribed and sworn to before me this_____ day of_____ , 19_____ .

_____
Notary Public
Justice of the Peace

My Commission Expires:_____

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C E R T I F I C A T E

I, Michele R. Bragan, a Certified Shorthand Reporter and Notary Public of the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the deposition of Thomas J. Longan, who was first duly sworn, taken at the place and on the date hereinbefore set forth.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Michele R. Bragan

MICHELE R. BRAGAN, CSR

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